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Right of Laborers to Organize.—The evidence in the case of *Pickett v. Walsh*, 78 Northeastern Reporter, 753, shows that it had been the custom in the City of Boston for over one hundred years to employ separate men to do the pointing up of brick work, terra cotta and stone masonry, and that the bricklayers' and masons' unions, desiring to obtain this work for themselves, prohibited their members from working for any contractor who let the work of pointing up to others than members of the union. An action was brought by the pointers to enjoin the officers of the union from conspiring to interfere with and destroy their business. The Supreme Court of Massachusetts holds that the unions may lawfully compete for the additional work, and may lawfully strike if the work is not given to them. The Court adds, however, that the unions could not legally strike merely because the contractors employing union men were working on a building on which work was being done by non-union pointers employed by the owners, inasmuch as organized labor's right of coercion is limited to strikes on persons with whom the organization has a trade dispute. The court gives a very interesting discussion on the right of citizens to pursue their calling as they may see fit, and the limitations upon this right as it may affect other citizens.

Carriers—Injuries—Proximate Cause.—An interesting decision on proximate cause is rendered by the Supreme Court of Colorado in *Snyder v. Colorado Springs & Cripple Creek District Ry. Co.*, 85 Pacific Reporter, 686. A passenger on a crowded car was standing on the platform with other passengers, some of whom were on the steps below. The conductor, in pushing his way through the crowd of passengers, pressed the plaintiff against one who became angry, and pushed the plaintiff with such force that he was thrown from the car, passing over the heads of passengers standing on the lower steps. The court says that the proximate cause of the accident was the action of the passenger who pushed the plaintiff, and cites its previous definition of proximate cause as that which in natural and continued sequence, unbroken by any efficient intervening cause, produced the result complained of, and without which the result could not have occurred. Under this doctrine the company was held not to be liable.

Conspiracy—Right to Exclude Person from Theaters.—Considerable attention has been attracted to the case of *People ex rel. Burnham v. Flynn*, 100 New York Supplement, 31, owing to the fact that the plaintiff was the dramatic critic of a prominent paper. The basis of the action is that the defendants conspired to prevent the plaintiff from exercising a lawful trade or calling. Because of criticisms made of the plays given at the various theaters, the defendants had given instructions that the critic should not be admitted,

and he had been forcibly prevented from entering after purchasing a ticket. The Supreme Court of New York refers to the familiar doctrine that the conducting of a theater is a private enterprise, and that, in the absence of statutory regulation, the proprietor has the right to say who shall enter. Under this doctrine the court states that the agreement to exclude the critic was not an unlawful one, and that if his presence was distasteful or injurious to their business the proprietors had the lawful right to agree to exclude him.

Degree of Care Required in Operating Automobiles.—In *McFern v. Gardner*, 97 Southwestern Reporter, 972, the Supreme Court of Missouri takes the position that a chauffeur in charge of an automobile traveling on a public highway in a populous city should be held to the same degree of care in respect to pedestrians and other vehicles upon the street that a motorman in charge of a street car running on a public street is required to observe. Therefore it is the duty of a chauffeur under such circumstances to keep a vigilant watch ahead for vehicles and pedestrians, and on the first appearance of danger to take proper steps to avert it. The court maintains that as an automobile is of great weight, made very strong, and, in collision with an ordinary vehicle, capable of smashing it without serious damage to the machine itself, the risk of injury to the traveling public by automobiles is as great as, if not greater than, the risk of injury to vehicles and pedestrians traveling on and across streets upon which street cars are operated by electric power.

Charities—What Is a Public Charity.—Money which is transferred to trustees of a permanent fund derived from gifts and bequests, and which is under the exclusive control of such trustees, to be used for paying death benefits and giving charitable assistance to members of a mutual benefit society, membership in which all connected with a certain business are entitled to obtain, is held, in *Minns v. Billings* (Mass.) 5 L. R. A. (N. S.) 696 to be devoted to purposes of public charity, although the benefit is limited to the members of the association.

Charities—Rule against Perpetuities.—An instrument of writing purporting to convey lands to trustees and their successors in perpetual trust to provide a home and school for the maintenance and education of the children of the deceased members of a secret society is held, in *Troutman v. De Boissiere Odd Fellows' Orphans' Home* (Kan.) 5 L. R. A. (N. S.) 692, not to be a gift for purposes of a public charity, and to be void as against the rule prohibiting perpetuities of title in estates. With these cases is a note on the question of gift for the benefit of members of a particular organization as a charity.